

DTSC LEGISLATIVE SUMMARY



2002 Legislative Year

A compilation of legislation from the second half of the 2001-2002 Legislative Session affecting the Department of Toxic Substances Control

State of California

Gray Davis
Governor

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California Environmental Protection Agency

Department of Toxic Substances Control

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Introduction

This report summarizes all bills considered by the California State Legislature during the second Legislative year of the 2001-2002 Legislative Session that either directly or indirectly affect the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills carried over from the 2001 Legislative Year (two-year bills) and bills introduced in the 2002 Legislative Year. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but disapproved by the Governor (veto and signing messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors. Bills sponsored by DTSC are underlined.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1st of the following year. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

<p><i>DTSC's 2002 Legislative Summary can also be viewed on its internet site:</i> <i>http://www.dtsc.ca.gov</i></p>

Acronyms

AB	Assembly Bill
AJED&E	Assembly Committee on Jobs, Economic Development, and the Economy
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CLEAN	Cleanup Loans and Environmental Assistance to Neighborhoods
CRT	Cathode Ray Tube
CUPA	Certified Unified Program Agency
DTSC	Department of Toxic Substances Control
FAIR	Financial Assurance and Insurance for Redevelopment
SB	Senate Bill
SEQ	Senate Committee on Environmental Quality
State	The State of California

Assembly Bills

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- AB 13 Florez – Political Reform Act of 1974: Contracts for Goods and Services (Dead)**
- AB 13 originally dealt with hazardous waste disposal fees. As amended, the bill did not affect DTSC.
- AB 36 Steinberg – Confidentiality of Writings (Dead)**
- AB 36 would have limited the use of secrecy agreements and protective orders in defective products and environmental hazard cases.
- AB 51 Oropeza – Voter Registration (Vetoed)**
- AB 51 originally dealt with lead abatement and removal in schools. As amended, the bill did not affect DTSC.
- AB 80 Havice – Aggregation: Magnolia Power Project (Stats. 2002, ch. 837)**
- AB 80 originally dealt with reducing lead exposure in schools. As chaptered, the bill did not affect DTSC.
- AB112 Longville – California Infrastructure and Economic Development Bank: Eligible Projects (Dead)**
- AB 112 would have made the acquisition of sensitive wildlife habitat eligible for low-interest loans from the California Infrastructure and Economic Development Bank, subject to certain criteria.
- AB 363 Steinberg – Attorneys (Vetoed)**
- AB 363 would have authorized an attorney representing a governmental organization, who learns of improper governmental activity, to refer the matter to a higher authority in the organization. This bill would have also authorized the attorney to refer the matter to law enforcement or another governmental agency.
- AB 415 Runner – Emergency Services: Emergency Alert System (Stats. 2002, ch. 517)**
- AB 415 originally dealt with the imposition of monetary penalties for persons whose wrongful conduct proximately causes an incident that results in an emergency response. As chaptered, the bill did not affect DTSC.
- AB 460 Wyman – Energy: Transmission Path 15 (Dead)**
- AB 460 would have required the California Energy Commission to allocate \$10 million to the Transmission Agency of Northern California for environmental studies of Transmission Path 15.
- AB 498 Chan – Environmentally Preferable Purchasing (Stats. 2002, ch. 575)**
- AB 498 requires the Department of General Services, in consultation with Cal/EPA, members of the public, industry, and public health and environmental organizations, to provide State agencies with information and assistance to promote the purchase of environmentally preferable goods and services.
- AB 619 Wayne – MediCal: Reimbursement Procedures (Dead)**
- AB 619 originally dealt with State employees classified as scientists. As amended, the bill did not affect DTSC.
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AB 709 Wayne – Codisposal Sites: Cleanup (Stats. 2002, ch. 589)

AB 709 clarifies when the cleanup of a burn dump site is to be overseen by DTSC, CIWMB, or a Regional Water Quality Control Board, and ensures that cleanup decisions are appropriate and reflect the degree of risk posed by any hazardous contaminants that may be present at the site.

AB 712 Migden – Fluorescent Lamps: Disposal: Recycling (Dead)

AB 712 would have enacted the Mercury Pollution Prevention Act of 2002. This bill would have required retail purchasers of fluorescent lamps to pay a \$.03 recycling fee to DTSC for each fluorescent lamp purchased in the State after January 1, 2004, and would have required DTSC to use the funds to make matching grants to local governments for collecting and processing fluorescent lamps and to provide recycling incentive payments to fluorescent lamp recyclers.

AB 857 Wiggins – Infrastructure Planning: Priorities and Funding (Stats. 2002, ch. 1016)

AB 857 revises the requirements for the State Environmental Goals and Policy Report, revises the requirements for the Governor's Five-Year Infrastructure Plan, and requires the Governor to develop conflict resolution processes for State agencies with conflicts regarding infrastructure projects and plans.

AB 947 Jackson – Pesticides: School Sites (Stats. 2002, ch. 457)

AB 947 authorizes school districts to include within their safety plans procedures for responding to the release of a pesticide or other toxic substance from properties within one-quarter mile of a school. The bill also authorizes county agricultural commissioners to condition the agricultural use of any pesticide within one-quarter mile of a school, and increase the ceiling on locally administered civil penalty enforcement actions as they pertain to pesticide drift violations.

AB 1086 Calderon – Environmental Quality: Residential Infill (Dead)

AB 1086 would have required a lead agency, as defined in CEQA, to adopt a negative declaration or a mitigated negative declaration if it determines that a residential infill development project, which is not exempt from CEQA, satisfies specific criteria.

AB 1108 Pavley – Environmental Quality: Scoping Meetings (Stats. 2002, ch. 638)

AB 1108 exempts a project of statewide, regional, or areawide significance from CEQA's scoping meeting requirements if a scoping meeting was conducted for the project pursuant to the National Environmental Policy Act, under specified circumstances. The bill also imposes additional requirements on lead agencies under specified circumstances.

AB 1436 Correa – Military Base Reuse: Orange County (Dead)

AB 1436 would have authorized a single local reuse entity to negotiate and award design-build contracts for various projects that support redevelopment at the site of a closed military base.

AB 1510 Ashburn – Dry Cell Batteries (Dead)

AB 1510 would have required the Environmental Policy Council to perform a study and submit a report to the Legislature by July 31, 2003, regarding available recycling opportunities and reclamation practices and the environmental effect of randomly disposing of spent dry cell batteries containing zinc electrodes in a solid waste landfill. This bill would have appropriated \$125,000 from the General Fund to the Council to prepare this report.

AB 1708 Assembly Committee on Transportation – Hazardous Waste Tow Trucks (Dead)

AB 1708 would have allowed tow truck drivers who clean up small releases of vehicle fluids at accident or disabled vehicle scenes to transport the waste fluids and accompanying absorbent to an authorized facility without using a registered hazardous waste transporter or a hazardous waste manifest, and to temporarily accumulate the wastes on the tow truck company's property.

AB 1813 AJED&E – Public Contracts: State Government: Information Technology Contracts (Dead)

AB 1813 would have required notification to be provided to the Legislature at least 30 days prior to signing sole-source contracts for information technology goods and services in excess of \$500,000 or more.

AB 1815 Frommer – State Bonds: Antiterrorism Activities (Dead)

AB 1815 would have authorized the State Treasurer to issue up to \$500 million in "homeland defense bonds" to fund antiterrorism activities of local public safety and emergency services agencies.

AB 1857 Wayne – Administrative Procedures (Stats. 2002, ch. 389)

AB 1857 makes several changes to the Administrative Procedure Act governing the development, amendment, and repeal of State regulations.

AB 1882 Canciamilla – Environmental Quality: Infill Development (Dead)

AB 1882 would have provided a five-year exemption from the requirements of CEQA for specified infill projects proposed within Contra Costa County.

AB 1952 Bogh – Solid Waste: Biomass Conversion: Transformation (Dead)

AB 1952 would have revised the definition of biomass conversion to include the controlled combustion of recyclable pulp or paper materials other than composting of biomass waste used for producing electricity, heat, or a reconstituted product.

AB 1962 Hollingsworth – Electronic Communication (Stats. 2002, ch. 945)

AB 1962 changes the definition of writing under provisions of existing law to include transmission by electronic mail and facsimile for the purpose of subjecting emails and facsimiles to the rules of evidence and to disclosure under the Public Records Act when gathered, stored, and maintained by a State or local agency.

AB 2070 Jackson – State Contracts: Disclosure of Violations (Dead)

AB 2070 would have required prospective contract bidders, as part of the competitive bid process, to certify under penalty of perjury whether they have been convicted or been subject to an adverse civil judgment or administrative ruling arising out of any violation of a tax, labor, employment, antitrust, consumer protection, or environmental protection law.

AB 2095 Kehoe – San Diego Regional Agency (Dead)

AB 2095 would have created a consolidated transportation and planning agency in San Diego County called the San Diego Regional Agency to assume transportation and planning functions currently performed under existing law by several agencies.

AB 2109 Cogdill – Weapons of Mass Destruction (Dead)

AB 2109 would have increased penalties for various violations relating to possession and use of weapons of mass destruction.

AB 2111 Strickland – Transportation of Hazardous Materials (Dead)

AB 2111 would have required the Department of Justice to provide State summary criminal history information upon request to a motor carrier company regarding an applicant for employment who would transport hazardous materials.

AB 2112 Cogdill – Vehicles: Hazardous Materials (Stats. 2002, ch. 103)

AB 2112 requires that commercial drivers from Canada, when transporting hazardous materials in California, have in their possession a copy of a training certificate to transport hazardous materials.

AB 2114 La Suer – Department of Justice: Evidence (Stats. 2002, ch. 125)

AB 2114 requires the Department of Justice to adopt standards and guidelines regarding the handling of potential evidence during the testing of substances that are suspected of being related to terrorist activities.

AB 2141 Firebaugh – Hazardous Materials: Hazardous Waste Enforcement Actions (Dead)

AB 2141 would have extended the public participation process established under the Carpenter-Presley-Tanner Hazardous Substance Account Act for State Superfund sites to non-Superfund, hazardous substances removal and remediation activities overseen by DTSC.

AB 2166 Lowenthal – Hazardous Waste: Used Oil Recycling: Transportation: Household Hazardous Waste: Liability (Stats. 2002, ch. 992)

AB 2166 requires hazardous waste transporters who transport used oil to provide to the used oil generators they service a written notice indicating that their used oil, or a portion thereof, may be transported to a facility that does not State or federal hazardous waste management standards. This bill also clarifies that the existing State Superfund liability exemption for used oil collection facilities and household hazardous waste collection programs applies to cost recovery actions brought by third parties.

AB 2214 Keeley – Low-Level Radioactive Waste Disposal Facility (Stats. 2002, ch. 513)

AB 2214 prohibits the Department of Health Services from issuing or renewing a license for the disposal of low-level radioactive waste unless it determines that the siting, design, construction, operation, and closure of the facility meets specified federal and State requirements. The bill also prohibits a facility from disposing of low-level radioactive waste using shallow land burial and prohibits the proposed Ward Valley radioactive waste disposal site from serving as the State's facility for purposes of the Southwestern Low-Level Radioactive Waste Disposal Compact.

AB 2237 Chu – Packaging Materials: Regulated Materials (Dead)

AB 2237 would have required manufacturers to significantly reduce the use of four heavy metals (lead, mercury, cadmium, and hexavalent chromium) in packaging materials sold or distributed in the State over a three-year period.

AB 2253 Cohn – Mercury-Containing Light Switches (Dead)

AB 2253 would have expanded the California Mercury Reduction Act of 2001 by requiring DTSC to provide assistance to businesses that are involved in the safe removal and proper disposal of mercury-containing light switches from motor vehicles.

AB 2261 Cardenas – Lead Abatement (Dead)

AB 2261 would have authorized the Department of Health Services and local health departments to enforce existing lead hazard standards. This bill would have authorized the enforcement entity to enter and inspect any public or residential building that poses a lead-hazard risk, issue orders to abate lead hazards, and assess civil penalties for noncompliance.

AB 2290 Kehoe – California Environmental Quality Act (Dead)

AB 2290 would have specified that, for the purposes of CEQA, any project that may have a substantial adverse impact on a wetland or special aquatic site is a project that may have a significant effect on the environment.

AB 2312 Chu – Environmental Justice: Grant Program (Stats. 2002, ch. 994)

AB 2312 establishes an Environmental Justice Small Grant Program in Cal/EPA to provide grants of up to \$20,000 to eligible community-based nonprofit organizations that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.

AB 2327 Jackson – Oil and Gas Development: Pipelines (Dead)

AB 2327 would have required that any new or expanded oil operations located off the State's coast transport that crude oil onshore exclusively by pipelines, and that these pipelines use best available technology to ensure maximum protection of the public health and environment.

AB 2335 Pavley – Firefighting: Hazardous Materials Equipment (Dead)

AB 2335 would have established within the Office of Emergency Services a Firefighting Hazardous Materials Response Team Equipment Program to provide funding for the purchase of hazardous materials response apparatus and equipment for State and local agencies that provide fire protection service.

AB 2377 Florez – Producer's Liens (Dead)

AB 2377 originally dealt with exemptions for hazardous waste surface impoundments at hazardous waste facilities. As amended, the bill did not affect DTSC.

AB 2378 Jackson – State Agencies: Agency Reports (Dead)

AB 2378 would have required all State agencies, departments, offices, boards, and commissions to prepare and submit a report to the Legislature on the availability and use of federal funds for their respective programs by January 1, 2004.

AB 2436 Frommer – Land Use Restrictions: Cleanup and Abatement (Stats. 2002, ch. 592)

AB 2436 establishes a place on DTSC's website for the public, local governments, and land use developers to obtain information regarding sites that may contain hazardous substances and are thus subject to land use restrictions.

AB 2479 Jackson – Chemical Security (Dead)

AB 2479 would have strengthened DTSC's regulatory structure for tracking the handling and movement of hazardous substances across the State. This bill would have required DTSC to implement more stringent tracking, prevention, planning, and response strategies for any hazardous material posing an inhalation or other type of serious hazard to public health and the environment.

AB 2481 Frommer – Underground Storage Tanks: Unified Program Agencies: Porter-Cologne Water Quality Control Act: Administrative Civil Penalties: Drinking Water: Enforcement (Stats. 2002, ch. 999)

AB 2481 specifies new regulatory requirements for underground storage tanks; reorganizes the petroleum underground storage tank cleanup laws; re-enacts a program to assist public water systems to cope with the effects of MTBE contamination of water supplies; establishes new enforcement procedures for the CUPA program; delays the date when existing water quality waivers for on-site septic tanks will lapse; and amends the FAIR Program to provide the State with immunity while it implements the insurance program.

AB 2485 Campbell B – Hazardous Substances: Brownfields (Dead)

AB 2485 would have established the Brownfields Best Practices Awards Program at the California Policy Research Center at the University of California Berkeley. This program would have recognized and made monetary awards to brownfields remediation and redevelopment programs.

AB 2486 Keeley – Environmental Prosecution (Stats. 2002, ch. 1000)

AB 2486 enacts the Local Environmental Enforcement and Training Act of 2002, under the administration of Cal/EPA, to provide funding to local prosecutors, environmental regulators, and peace officers; transfers DTSC's Hazardous Materials Enforcement and Training Account to Cal/EPA to fund these activities; apportions the funds to the enforcement and training activities specified in the bill; and codifies the Environmental Circuit Prosecutor Project in statute.

AB 2589 Cardoza – Controlled Substances: Destruction of Hazardous Chemicals (Stats. 2002, ch. 443)

AB 2589 clarifies existing law regarding removal and disposal of the toxic by-products used to manufacture controlled substances. The bill authorizes law enforcement agents to dispose of a hazardous chemical container and contaminated items used or intended to be used in the unlawful manufacture of controlled substances without a court order, and directs DTSC to remove any container used for such material or any other item contaminated with a hazardous substance and used or intended to be used in the manufacture of a controlled substance.

AB 2615 Liu – State Service Contracts: Payment (Dead)

AB 2615 would have required a contractor to pay any subcontractor within two days of receiving a payment from a State agency on any contract.

AB 2647 Liu – Transportation (Stats. 2002, ch. 168)

AB 2647 repeals provisions requiring the Department of Transportation to provide the Legislature with various regular reports.

AB 2682 Chu – Clean Communities and Petroleum Cleanup Act (Dead)

AB 2682 would have enacted the California Clean Communities and Petroleum Pollution Cleanup Act of 2002. The bill would have assessed a \$0.30 fee on each barrel of crude oil refined in California to be used for remediation of petroleum related pollution in the State's air, water, and land.

AB 2683 Canciamilla – California Bay-Delta Authority Act (Stats. 2002, ch. 955)

AB 2683 originally dealt with the reorganization of Cal/EPA. As chaptered, the bill does not affect DTSC.

AB 2687 Maldonado – Transportation of Hazardous Materials: Restrictions: Drinking Water Reservoirs (Stats. 2002, ch. 104)

AB 2687 amends existing law authorizing the California Highway Patrol to close a highway to vehicles transporting hazardous materials or hazardous wastes if the highway is located within a watershed of a drinking water reservoir owned and operated by a municipal water district. This bill extends these provisions to public water systems in addition to municipal water districts.

AB 2716 Ashburn – Hazardous Waste: Disabled Vehicle Waste (Dead)

AB 2716 would have required Cal/EPA to develop and examine scientific information regarding disabled vehicle waste and to provide a report to the Legislature.

AB 2819 Aroner – State Laboratories: Required Function (Dead)

AB 2819 would have expanded an existing requirement for the Department of Health Services to maintain a laboratory and branch laboratories as necessary to provide the capacity within the Department to accomplish specifically enumerated core functions.

AB 2853 Diaz – State Employees: Engineers: Salary Parity (Vetoed)

AB 2853 would have increased the salary base for engineers and other related professionals employed by the State to a level comparable to those professionals working outside of State employment.

AB 2922 Simitian – Personal Information: State Agency Records (Vetoed)

AB 2922 would have required State agencies to provide the Office of Privacy Protection in the Department of Consumer Affairs with a description of the general categories or classes of records containing personal information contained in their systems of records. The bill would have required the Office to use this information to create a State Personal Information Inventory and to make the inventory available to the public by March 1, 2004.

AB 2947 Florez – Medical Waste (Dead)

AB 2947 would have changed the criteria for what constitutes a biohazardous waste.

AB 2964 Shelley – Hunters Point Shipyard Conversion Act of 2002 (Stats. 2002, ch. 464)

AB 2964 enacts the Hunters Point Shipyard Conversion Act of 2002 transferring the State's interest in the Hunters Point trust lands to the San Francisco Redevelopment Agency and establishing the Agency as the trust administrator.

AB 3035 Assembly Committee on the Judiciary – Access to Government Programs (Stats. 2002, ch. 300)

AB 3035 requires that notices and agendas of public meetings and closed sessions be made available in appropriate alternative forms upon request by any person with a disability. The bill also requires the notice to include information on the availability of disability related aids or services in order to enable the person to participate.

AB 3041 Assembly Committee on Natural Resources – Environmental Quality: Use of State Clearinghouse by Lead Agencies (Stats. 2002, ch. 1052)

AB 3041 requires each lead agency to submit a sufficient number of copies of a draft environmental impact report and negative declaration to the State Clearinghouse within the Governor's Office of Planning and Research for review and comment by State agencies.

AB 3053 Assembly Committee on Environmental Safety and Toxic Materials – Multiparcel Remediation: Pilot Project (Dead)

AB 3053 would have enacted the California Subregional Coordination and Cleanup Act of 2002. The bill would have established four pilot projects in redevelopment zones for site remediation purposes.

Senate Bills

SB 11 Escutia – Confidentiality of Writings (Dead)

SB 11 would have limited the use of secrecy agreements and protective orders in cases involving allegedly defective products or environmental hazards to increase public awareness about potentially lethal public hazards.

SB 21 Escutia – Lead-Safe Schools (Stats. 2002, ch. 1075)

SB 21 authorizes the use of State modernization funding for the identification, assessment, control, management, or abatement of lead. The bill also authorizes the use of school district deferred maintenance funds for the inspection, identification, sampling, analysis, control, management, and removal of lead-containing material.

SB 27 McPherson – Emergency Services: Terrorism (Dead)

SB 27 would have required the Office of Emergency Services to develop a basic terrorism awareness and response training curriculum, and to identify and prioritize categories of personnel who should receive the training.

SB 260 Senate Committee on Environmental Quality – Department of Toxic Substances Control (Dead)

SB 260 would have codified in statute the Governor's Reorganization Plan No. 1 of 1991 to reflect the reorganization of DTSC from a program under the Department of Health Services to a department under Cal/EPA.

SB 403 Machado – Recycled Concrete (Vetoed)

SB 403 would have authorized the use (sale) of recycled concrete, as defined, if the purchaser had been fully informed that the concrete was recycled concrete.

SB 441 Sher – Beverage Containers: Recycling (Vetoed)

SB 441 originally dealt with clarifying and technical changes to the California Integrated Waste Management Act of 1989. As amended, the bill did not affect DTSC.

SB 460 Ortiz – Lead Abatement (Stats. 2002, ch. 931)

SB 460 declares any building unsafe and in violation of the State Housing Law if the building contains a lead hazard that is likely to endanger building occupants.

SB 483 Sher – Surface Mining and Reclamation (Stats. 2002, ch. 1154)

SB 483 provides funding and time extensions for the remediation of abandoned mines in the State and for an annual report on abandoned mine remediation projects that are proposed for the next fiscal year. This bill also amends the Surface Mining and Reclamation Act of 1975 to protect Native American sacred sites from the environmental impacts associated with mining activities that involve cyanide heap leach mining. However, the enactment of this bill was contingent upon the enactment of SB 128 which was vetoed by the Governor. Therefore, this bill will not be enacted.

SB 489 Romero – Hazardous Waste of Concern: Handling: Transportation (Stats. 2002, ch. 607)

SB 489 strengthens the security during handling and shipping of hazardous wastes that pose serious public safety risks because of their potential to be used in a terrorist or other criminal act. The bill requires DTSC to adopt a list of hazardous wastes of concern, requires hazardous waste facilities and transporters who handle a hazardous waste of concern to submit disclosure statements and background checks to DTSC, and strengthens DTSC's immediate notification requirements for hazardous wastes of concern believed to be missing.

SB 496 Sher – Environmental Quality (Dead)

SB 496 would have made technical changes to CEQA.

SB 526 Sher – Underground Storage Tanks: Discharges: Closure: Date Storage: Brownfield Sites Insurance (Stats. 2002, ch. 37)

SB 526 clarifies underground storage tank closure certification requirements for tanks that may have contained MTBE, and deletes a requirement of the FAIR program to permit the Secretary of Cal/EPA to solicit bids for State subsidized insurance for brownfields without specifying in advance whether one or multiple providers will be selected.

SB 648 SEQ – Public Contracts: Preferences: Recycled Products (Stats. 2002, ch. 408)

SB 648 makes technical and clarifying changes to the Department of General Services' existing reporting requirements regarding the procurement of recycled materials.

SB 649 SEQ – Environmental Quality: Solid Waste Management (Stats. 2002, ch. 625)

SB 649 makes technical changes to various statutes governing environmental quality, including provisions regarding environmental impact reports, local integrated waste management plans, used waste tires, and mercury-containing motor vehicle light switches.

SB 783 Escutia – Whistleblowers (Vetoed)

SB 783 would have amended the State whistleblower protection statute to mandate reporting of improper activity to the Attorney General when companies and their management have actual knowledge of wrongdoing. The bill would have subjected top company officials to civil penalties for failing to report such wrongdoing and would have required the Attorney General to maintain a hotline for the receipt of whistleblower complaints.

SB 849 Torlakson – Oil Spills: Fees (Stats. 2002, ch. 514)

SB 849 increases the existing oil spill prevention and administration fee from \$0.04 to \$0.05 for each barrel of crude oil or petroleum byproducts received at a marine terminal.

SB 1011 Sher – Household Hazardous Waste: Environmental Quality Assessment: Mercury-Containing Light Switches (Stats. 2002, ch. 626)

SB 1011 authorizes household and small business curbside and recyclable hazardous waste collection programs to collect universal wastes; transfers the Registered Environmental Assessors Program from the Office of Environmental Health Hazard Assessment to DTSC; and deletes the requirement that DTSC request annual statements of qualifications from architects and engineers for contracting purposes.

SB 1087 Polanco – Development of State and Local Parks (Dead)

SB 1087 originally dealt with amending CEQA regarding environmental impact reports prepared for certain infill development projects. As amended, the bill did not affect DTSC.

SB 1257 Murray – Vehicles: Hazardous Materials Transportation (Stats. 2002, ch. 610)

SB 1257 requires the authorized representative of a hazardous materials generator or facility operator to verify the license and endorsement of a driver prior to the loading of a vehicle transporting hazardous materials. This bill also requires any vehicle transporting hazardous materials to be equipped with a working two-way communications device and, if it has an enclosed cargo body, to keep the cargo body locked during transit to prevent unauthorized access.

SB 1260 Escutia – Health Information: Children (Dead)

SB 1260 would have required the Children's Environmental Health Center within Cal/EPA to collect information on how to prepare for a biological or chemical terrorist attack and to take preparatory steps to ensure that children receive health care tailored to their unique health needs in the event of such an attack.

SB 1279 Murray – Bond Act: Antiterrorism Safety (Dead)

SB 1279 would have enacted the California Antiterrorism Safety Bond Act of 2002. This bill would have authorized the issuance of \$2 billion in general obligation bonds to finance a program for antiterrorism safety. It would have required the Secretary of State to submit the bond act to the voters at a statewide general election.

SB 1292 Haynes – State Agency Fiscal Reports (Dead)

SB 1292 would have required each State agency, department, commission, board, or office to provide the Rules and Budget Committees of both houses of the Legislature with specified budget data.

SB 1374 Kuehl – Solid Waste: Construction and Demolition Waste Materials: Diversion Requirements: Model Ordinance (Stats. 2002, ch. 501)

SB 1374 requires CIWMB to adopt a model ordinance for diverting 50 to 75 percent of construction and demolition waste materials from landfills by March 1, 2004.

SB 1381 Kuehl – Santa Monica Bay Restoration Program (Stats. 2002, ch. 598)

SB 1381 renames the Santa Monica Bay Project the Santa Monica Bay Restoration Commission, formalizes its structure, and expands its role in restoring Santa Monica Bay. The bill requires the State Water Resources Control Board to provide administrative services to the Commission.

SB 1386 Peace – Personal Information: Privacy (Stats. 2002, ch. 915)

SB 1386 requires a State agency or a person or business that owns or licenses computerized data that includes personal information, to disclose in specified ways any breach of the security of the data to any resident of California whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

SB 1393 Kuehl – California Environmental Quality Act (Stats. 2002, ch. 1121)

SB 1393 originally dealt with the use and disposal of wood treated with an arsenical preservative. As chaptered, the bill amends CEQA to require the Resources Agency to develop a protocol by July 1, 2003, for reviewing the prospective application of a certified regulatory program to evaluate its consistency with CEQA requirements.

SB 1443 Oller – Legislative Oversight: Reports and Studies (Dead)

SB 1443 would have required any report or study that is required to be submitted to the Legislature or the Legislative Counsel by a State or local agency to be submitted electronically. The bill would have also required a legislator who requested a printed copy of the report or study to reimburse the agency for printing costs.

SB 1444 Kuehl – Radiation: Contamination (Dead)

SB 1444 would have required persons who own a site, which the Department of Health Services determines was the site of a full or partial reactor meltdown, to conduct a thorough and rigorous monitoring of the radioactive contaminated property, using the best available techniques, equipment, and methodology to assure that residual contamination is identified. The bill would have prohibited any person from selling, transferring, or leasing such a site unless the site cleanup meets specified radiation dose standards, and required that any material that has radioactive contamination above background levels be transported to a disposal facility specifically licensed to receive that type of waste.

SB 1523 Sher – Solid Waste: Cathode Ray Tube and CRT Devices: Recycling and Refurbishment (Vetoed)

SB 1523 would have established a program administered by CIWMB to recover and recycle waste CRT devices. The bill would have required every retailer and manufacturer that sells CRT devices directly to consumers to collect a CRT recycling fee of \$10 at the time of sale for each CRT device sold in California starting January 1, 2004. The funds would have been used to provide grants to local government programs that collect and recycle CRT's, recycling incentive payments to CRT materials handlers, grants to nonprofit agencies and manufacturers that accept CRTs for recycling, and funding for DTSC to implement and enforce the hazardous waste laws that pertain to CRTs.

SB 1526 Romero – Waste: Out-of-State Hazardous Waste Disposal: Zero Waste Goal: Conversion Technology: Out-of-State Solid Waste Goal (Dead)

SB 1526 would have imposed a fee on the out-of-state disposal of solid and hazardous waste that is generated in California, and declared the Legislature's intent to establish a zero waste goal for the State.

SB 1584 Perata – Environmental Protection (Dead)

SB 1584 would have made minor technical changes to DTSC's CLEAN Loan Program to remediate brownfields.

SB 1587 Romero – Landfill Facilities: Disposal Sites (Dead)

SB 1587 would have made several changes to the California Integrated Waste Management Act of 1989 affecting the powers and duties of CIWMB.

SB 1619 Romero – Solid Waste: Cathode Ray Tubes and CRT Devices (Vetoed)

SB 1619 would have established a grant program administered by CIWMB to recover, reuse, and recycle waste CRTs and CRT devices. It would have provided grants to local government programs to collect and process CRTs, annual recycling payments to CRT materials handlers, grants to nonprofit agencies and manufacturers that recycle or refurbish CRTs for reuse, and funding for DTSC to implement and enforce the hazardous waste laws that pertain to CRTs.

SB 1622 Murray – Parks and Recreation: California Youth Soccer and Recreation Development Program: Urban Parks: Ballona Creek (Stats. 2002, ch. 975)

SB 1622 originally dealt with CEQA. As chaptered, the bill did not affect DTSC.

SB 1623 Romero – Radiation Safety Act of 2002 (Dead)

SB 1623 would have prohibited the disposal of most radioactive waste at solid and hazardous waste landfills, with certain exceptions. This bill would have authorized DTSC, in consultation with CIWMB and the Department of Health Services, to adopt regulations and establish permit conditions to enforce the disposal prohibitions at hazardous waste landfills. The contents of this bill were moved to SB 1970.

SB 1628 Sher – Resources: Litigation (Stats. 2002, ch. 396)

SB 1628 authorizes the Attorney General to represent the State Water Resources Control Board or CIWMB in litigation while representing another State agency that is a party to the same action, with the written consent of the board and the agency.

SB 1681 Monteith – Environmental Quality: Homeownership, Employment, and Education (Dead)

SB 1681 would have amended CEQA to require government agencies to consider the effects of a proposed project on homeownership, employment, transportation, security, and educational opportunities in determining whether the project has a significant effect on the environment; revise key definitions; and require an environmental impact report to contain a section entitled "human impact" that included prescribed information.

SB 1684 Polanco – Redevelopment: Hazardous Substance Releases (Stats. 2002, ch. 1004)

SB 1684 deletes the January 1, 2004, sunset date for the Polanco Redevelopment Act, which was enacted in 1990 to establish a process to encourage the cleanup and development of properties contaminated with hazardous substances.

SB 1696 Knight – Hazardous Materials: Generator Fees (Dead)

SB 1696 would have changed the criteria for determining the number of a corporation's employees for purposes of calculating DTSC's environmental fee.

SB 1808 McPherson – State Environmental Goals and Policy Report (Stats. 2002, ch. 424)

SB 1808 requires the Governor's Office of Planning and Research to report to the Governor and Legislature annually on or before January 1 regarding the implementation of the State Environmental Goals and Policy Report.

SB 1828 Burton – Mining: Historical Resources: Affected Native American Sacred Sites: California Environmental Quality Act (Vetoed)

SB 1828 would have prohibited a lead agency from approving a project that may have a significant effect on a Native American sacred site unless specified conditions were met. The bill would have triggered the preparation of an environmental impact report for projects found to significantly affect a Native American sacred site, and would have established a federally recognized Indian tribe as a public agency with jurisdiction over natural resources. The bill would have also proposed changes to the Surface Mining and Reclamation Act regarding surface mining and reclamation activities that may affect sacred sites.

SB 1922 Romero – Hazardous Waste Transportation: Remote Sites (Stats. 2002, ch. 327)

SB 1922 increases from 500 gallons to 5,000 gallons the volume of waste mineral oil that can be transported at one time from a utility's electrical equipment to a consolidation site without having to comply with hazardous waste manifest and transporter registration requirements.

SB 1925 Sher – California Environmental Quality Act: Exemptions (Stats. 2002, ch. 1039)

SB 1925 consolidates provisions relating to housing and infill development projects, revises existing affordable housing exemptions, and makes housing terms and conditions consistent throughout CEQA.

SB 1958 Polanco – Environmental Assessment (Dead)

SB 1958 would have limited eligibility for registration as a Registered Environmental Assessor II to registered geologists and licensed civil, electrical, and mechanical engineers, and prohibited any person registered as an environmental assessor from practicing geology unless the person is registered to practice pursuant to the Geologist and Geophysicist Act.

SB 1963 Polanco – Hazardous Materials: Brownfields Redevelopment (Dead)

SB 1963 would have established the Brownfields Revitalization Act of 2002 to exempt prospective brownfield property buyers from liability for property damage from a hazardous materials release that occurred at the site before they purchased the property.

SB 1970 Romero – Radiation Safety Act of 2002 (Vetoed)

SB 1970 would have prohibited the disposal of most radioactive waste at solid and hazardous waste landfills, with certain exceptions. The bill would have authorized DTSC, in consultation with CIWMB and the Department of Health Services, to adopt regulations and establish permit conditions to enforce the disposal prohibitions at hazardous waste landfills. See also SB 1623.

SB 1988 Polanco – Environmental Education Fund (Vetoed)

SB 1988 would have created the Environmental Education Fund to provide grants for environmental education to public schools and funding to a nonprofit organization or organizations for training district attorneys and others on the fair and uniform enforcement of environmental laws and the advancement of environmental justice.

SB 1994 Soto – California Clean Communities and Petroleum Cleanup (Dead)

SB 1994 would have established the California Clean Communities and Petroleum Pollution Cleanup Act of 2002 to provide grants to various public and private agencies to mitigate or prevent harm created by refined petroleum products. This bill would have also imposed a new \$.30 fee on California oil refineries for each barrel of crude oil refined at their facilities.

SB 2056 O'Connell – Environmental Quality (Dead)

SB 2056 would have made technical changes to CEQA regarding the definition and responsibility of a lead agency.

SB 2065 Kuehl – Radioactive Waste (Stats. 2002, ch. 891)

SB 2065 requires the Department of Health Services to establish reporting procedures through a public hearing process for low-level radioactive waste and requires generators of low-level radioactive waste to report specified information to the Department of Health Services. This bill also requires the Department of Health Services to maintain a file of all low-level radioactive waste transferred for disposal to a licensed facility during the reporting period and a file on each generator's low-level radioactive waste stored.

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Administration:

AB 13	Florez	Political Reform Act of 1974: Contracts for Goods and Services	Dead
AB 1813	AJED&E	Public Contracts: State Government: Information Technology Contracts	Dead
AB 1857	Wayne	Administrative Procedures	Statutes of 2002, Chapter 389
AB 1962	Hollingsworth	Electronic Communication	Statutes of 2002, Chapter 945
AB 2070	Jackson	State Contracts: Disclosure of Violations	Dead
AB 2378	Jackson	State Agencies: Agency Reports	Dead
AB 2615	Liu	State Service Contracts: Payment	Dead
AB 2853	Diaz	State Employees: Engineers: Salary Parity	Vetoed
AB 2964	Shelley	Hunters Point Shipyard Conversion Act of 2002	Statutes of 2002, Chapter 464
SB 11	Escutia	Confidentiality of Writings	Dead
SB 783	Escutia	Whistleblowers	Vetoed
SB 1292	Haynes	State Agency Fiscal Reports	Dead
SB 1374	Kuehl	Solid Waste: Construction and Demolition Waste Materials: Diversion Requirements: Model Ordinance	Statutes of 2002, Chapter 501
SB 1386	Peace	Personal Information: Privacy	Statutes of 2002, Chapter 915
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AB 2109	Cogdill	Weapons of Mass Destruction	Dead
AB 2111	Strickland	Transportation of Hazardous Materials	Dead
AB 2112	Cogdill	Vehicles: Hazardous Materials	Statutes of 2002, Chapter 103
AB 2114	La Suer	Department of Justice: Evidence	Statutes of 2002, Chapter 125
AB 2479	Jackson	Chemical Security	Dead
SB 27	McPherson	Emergency Services: Terrorism	Dead
SB 489	Romero	Hazardous Waste of Concern: Handling: Transportation	Statutes of 2002, Chapter 607
SB 1257	Murray	Vehicles: Hazardous Materials Transportation	Statutes of 2002, Chapter 610
SB 1279	Murray	Bond Act: Antiterrorism Safety	Dead

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SB 526	Sher	Underground Storage Tanks: Discharges: Closure: Date Storage: Brownfield Sites Insurance	Statutes of 2002, Chapter 37
SB 1584	Perata	Environmental Protection	Dead
SB 1963	Polanco	Hazardous Materials: Brownfields Redevelopment	Dead

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SB 1260	Escutia	Health Information: Children	Dead

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AB 1108	Pavley	Environmental Quality: Scoping Meetings	Statutes of 2002, Chapter 638
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SB 496	Sher	Environmental Quality	Dead
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SB 1681	Monteith	Environmental Quality: Homeownership, Employment, and Education	Dead
SB 1828	Burton	Mining: Historical Resources: Affected Native American Sacred Sites: California Environmental Quality Act	Vetoed
SB 1925	Sher	California Environmental Quality Act: Exemptions	Statutes of 2002, Chapter 1039
SB 2056	O'Connell	Environmental Quality	Dead

CUPAs

AB 2481	Frommer	Underground Storage Tanks: Unified Program Agencies: Porter-Cologne Water Quality Control Act: Administrative Civil Penalties: Drinking Water: Enforcement	Statutes of 2002, Chapter 999
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Clandestine Drug Labs:

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Electronic Waste:

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SB 1619	Romero	Solid Waste: Cathode Ray Tubes and CRT Devices	Vetoed

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AB 2479	Jackson	Chemical Security	Dead

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SB 1523	Sher	Solid Waste: Cathode Ray Tube and CRT Devices: Recycling and Refurbishment	Vetoed
SB 1526	Romero	Waste: Out-of-State Hazardous Waste Disposal: Zero Waste Goal: Conversion Technology: Out-of-State Solid Waste Goal	Dead
SB 1696	Knight	Hazardous Materials: Generator Fees	Dead

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SB 1257	Murray	Vehicles: Hazardous Materials Transportation	Statutes of 2002, Chapter 610
SB 1922	Romero	Hazardous Waste Transportation: Remote Sites	Statutes of 2002, Chapter 327

Hazardous Materials:

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AB 2237	Chu	Packaging Materials: Regulated Materials	Dead
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AB 2682	Chu	Clean Communities and Petroleum Cleanup Act	Dead
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AB 857	Wiggins	Infrastructure Planning: Priorities and Funding	Statutes of 2002, Chapter 1016
AB 1436	Correa	Military Base Reuse: Orange County	Dead
AB 2436	Frommer	Land Use Restrictions: Cleanup and Abatement	Statutes of 2002, Chapter 592
SB 1808	McPherson	State Environmental Goals and Policy Report	Statutes of 2002, Chapter 424

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AB 2964	Shelley	Hunters Point Shipyard Conversion Act of 2002	Statutes of 2002, Chapter 464
SB 1011	Sher	<u>Household Hazardous Waste: Environmental Quality Assessment: Mercury-Containing Light Switches</u>	<u>Statutes of 2002, Chapter 626</u>

Mercury:

AB 712	Migden	Fluorescent Lamps: Disposal: Recycling	Dead
AB 2237	Chu	Packaging Materials: Regulated Materials	Dead
AB 2253	Cohn	Mercury-Containing Light Switches	Dead
SB 649	SEQ	Environmental Quality: Solid Waste Management	Statutes of 2002, Chapter 625
SB 1011	Sher	<u>Household Hazardous Waste: Environmental Quality Assessment: Mercury-Containing Light Switches</u>	<u>Statutes of 2002, Chapter 626</u>

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AB 498	Chan	Environmentally Preferable Purchasing	Statutes of 2002, Chapter 575
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Public Access to Information:

AB 36	Steinberg	Confidentiality of Writings	Dead
AB 1962	Hollingsworth	Electronic Communication	Statutes of 2002, Chapter 945
AB 2922	Simitian	Personal Information: State Agency Records	Vetoed
SB 1386	Peace	Personal Information: Privacy	Statutes of 2002, Chapter 915

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SB 1444	Kuehl	Radiation: Contamination	Dead
SB 1623	Romero	Radiation Safety Act of 2002	Dead
SB 1970	Romero	Radiation Safety Act of 2002	Vetoed
SB 2065	Kuehl	Radioactive Waste	Statutes of 2002, Chapter 891

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AB 712	Migden	Fluorescent Lamps: Disposal: Recycling	Dead
AB 1510	Ashburn	Dry Cell Batteries	Dead
AB 1952	Bogh	Solid Waste: Biomass Conversion: Transformation	Dead
SB 403	Machado	Recycled Concrete	Vetoed
SB 441	Sher	Beverage Containers: Recycling	Vetoed
SB 648	SEQ	Public Contracts: Preferences: Recycled Products	Statutes of 2002, Chapter 408
SB 1374	Kuehl	Solid Waste: Construction and Demolition Waste Materials: Diversion Requirements: Model Ordinance	Statutes of 2002, Chapter 501

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SB 21	Escutia	Lead-Safe Schools	Statutes of 2002, Chapter 1075

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AB 2141	Firebaugh	Hazardous Materials: Hazardous Waste Enforcement Actions	Dead
AB 2436	Frommer	Land Use Restrictions: Cleanup and Abatement	Statutes of 2002, Chapter 592
AB 3053	AESTM	Multiparcel Remediation: Pilot Project	Dead
SB 483	Sher	Surface Mining and Reclamation	Statutes of 2002, Chapter 1154
SB 1684	Polanco	Redevelopment: Hazardous Substance Releases	Statutes of 2002, Chapter 1004

Solid Waste:

SB 649	SEQ	Environmental Quality: Solid Waste Management	Statutes of 2002, Chapter 625
SB 1374	Kuehl	Solid Waste: Construction and Demolition Waste Materials: Diversion Requirements: Model Ordinance	Statutes of 2002, Chapter 501
SB 1526	Romero	Waste: Out-of-State Hazardous Waste Disposal: Zero Waste Goal: Conversion Technology: Out-of-State Solid Waste Goal	Dead
SB 1587	Romero	Landfill Facilities: Disposal Sites	Dead

Transportation:

<u>AB 1708</u>	<u>Assm Trans</u>	<u>Hazardous Waste Tow Trucks</u>	<u>Dead</u>
AB 2111	Strickland	Transportation of Hazardous Materials	Dead
AB 2112	Cogdill	Vehicles: Hazardous Materials	Statutes of 2002, Chapter 103
AB 2166	Lowenthal	Hazardous Waste: Used Oil Recycling: Transportation: Household Hazardous Waste: Liability	Statutes of 2002, Chapter 992
AB 2647	Liu	Transportation	Statutes of 2002, Chapter 168
AB 2687	Maldonado	Transportation of Hazardous Materials: Restrictions: Drinking Water Reservoirs	Statutes of 2002, Chapter 104
AB 2716	Ashburn	Hazardous Waste: Disabled Vehicle Waste	Dead
SB 489	Romero	Hazardous Waste of Concern: Handling: Transportation	Statutes of 2002, Chapter 607
SB 1257	Murray	Vehicles: Hazardous Materials Transportation	Statutes of 2002, Chapter 610
SB 1922	Romero	Hazardous Waste Transportation: Remote Sites	Statutes of 2002, Chapter 327

Underground Storage Tanks:

AB 2481	Frommer	Underground Storage Tanks: Unified Program Agencies: Porter-Cologne Water Quality Control Act: Administrative Civil Penalties: Drinking Water: Enforcement	Statutes of 2002, Chapter 999
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Used Oil/Oil/Oily Waste:

AB 2166	Lowenthal	Hazardous Waste: Used Oil Recycling: Transportation:	
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AB 2327	Jackson	Oil and Gas Development: Pipelines	Dead
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SB 1994	Soto	California Clean Communities and Petroleum Cleanup	Dead

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AB 2687	Maldonado	Transportation of Hazardous Materials: Restrictions:	
		Drinking Water Reservoirs	Statutes of 2002, Chapter 104
SB 1381	Kuehl	Santa Monica Bay Restoration Program	Statutes of 2002, Chapter 598

Veto Messages

To Members of the California State Assembly:

I am returning Assembly Bill 363 without my signature.

While this bill is well intended, it chips away at the attorney-client relationship which is intended to foster candor between an attorney and client. It is critical that clients know they can disclose in confidence so they can receive appropriate advice from counsel.

The effective operation of our legal system depends on the fundamental duty of confidentiality owed by lawyers to their clients. For these reasons, I must return this bill without my signature.

Sincerely,

GRAY DAVIS

To Members Of the California State Assembly:

I am returning Assembly Bill 2853 without my signature.

I appreciate the critical role professional engineers play in our transportation system, and with \$6 billion in transportation infrastructure projects underway this year - more than any time since Governor Pat Brown's administration - we're counting on these highly trained professionals to get the job done.

However, this proposal would increase state costs by more than \$100 million, including \$1.1 million in General Fund costs, at a time when the State is dealing with a \$24 billion budget gap. Neither the General Fund nor the Highway Account can afford to absorb the increased costs called for in this legislation until the State's fiscal health improves.

Further, I believe that salaries for State collective bargaining units must be established through good faith negotiations between the State and the employees exclusive representative. I also recognize the problem of retaining trained professionals in State service when our salaries are not competitive with local government and private industry. Therefore, in negotiating future collective bargaining agreements, I am directing the Department of Personnel Administration to consider salaries paid to employees doing comparable work in other governmental agencies. Hopefully, State revenues will permit us to address these concerns at future bargaining sessions.

Sincerely,

GRAY DAVIS

To the Members of the California State Assembly:

I am returning Assembly Bill 2922 without my signature.

AB 2922 requires state agencies to provide to the Office of Privacy Protection (OPP) descriptions of the categories of personal information contained in their systems of records, and requires the OPP to create the State Personal Information Inventory.

While I support the goals of this bill, I am concerned about the potential costs to State agencies to comply with the provisions of this bill. For example, the Department of Health Services alone estimates complying with this bill would cost almost \$4.4 million. At a time of a \$24 billion budget deficit, and when the Legislature has asked agencies to reduce budgets by 20%, I cannot sign this bill.

Sincerely,

GRAY DAVIS

To Members of the California State Senate:

I am returning Senate Bill 403 without my signature.

This bill would define "recycled concrete" and authorize its use if the end user has been fully informed that the concrete is recycled.

I am concerned that this bill would circumvent the process by which standards for construction and building materials are appropriately developed. According to CalTrans, the bill would pose a substantial risk to public safety. Moreover, this bill will result in a cost of \$3.9 million in the first year and \$3.2 million annually thereafter at a time when the state is dealing with a \$24 billion shortfall.

Sincerely,

GRAY DAVIS

To the Members of the California State Senate:

I am returning Senate Bill 441 without my signature.

This bill would create and revise various programs and formulas that govern the California Beverage Container Recycling Act. This bill appeared in print two days before the end of the legislative session and proposes broad policy changes without proper public, legislative, or administrative review.

This bill establishes a recycling incentive program that is intended to increase collection rates, but is flawed. This increased incentive payment should only apply to the amount by which collections increase. Otherwise, recyclers need only increase rates by a nominal amount to receive the enhanced payment for their entire collection.

Most importantly, this bill would require the state to hire 27 new people and expend up to \$4 million annually at a time when the Legislature has directed the Administration to cut 7,000 positions.

If the intent of this legislation is to resolve the pending lawsuit regarding the calculation of the processing fee, future legislation should be narrowly crafted to address this issue.

Sincerely,

GRAY DAVIS

To the Members of the California State Senate:

I am returning Senate Bill 783 without my signature.

This bill would establish a framework for encouraging "whistleblower" reporting of alleged illegal activity and fraud by corporations to government agencies.

While the vast majority of the bill's provisions have merit, our main focus should be on punishing wrongdoers and encouraging reporting of wrongdoing. Along those lines, I would sign legislation next year that includes the important provisions of this bill that establish a whistleblower hotline at the Attorney General's Office, further protect whistleblowers against retaliation, and require employers to post notices of whistleblower rights. I would also support the provisions in Section 5(b) of this bill that pins liability on the corporation for various acts and non-acts. However, I am concerned about the provisions in Section 5(a) that would place liability on individuals who did not actually commit the wrongful act themselves.

I am directing my Task Force on Corporate Governance, which I established last month and is chaired by the Secretaries of Business, Transportation, and Housing and State and Consumer Services Agencies, to work with the author on drafting this legislation.

I strongly support the highest corporate responsibility and accountability standards for our corporate executives. This year I have signed several bills that strengthen such corporate responsibility standards, including AB 2873 (Frommer) which requires audit documents to be retained for seven years; AB 270 (Correa) which strengthens California's laws governing accounting practices; AB 2970 (Wayne) which prohibits any employee of an accounting firm from working for a client within 12 months of providing audit services; and AB 55 (Shelley) which increases disclosure of corporate information.

Sincerely,

GRAY DAVIS

To the Members of the California State Senate:

I am returning Senate Bill 1523 without my signature. However, I am willing to sign legislation that challenges industry to assume greater responsibility for the recycling and disposal of electronic waste.

I am very troubled by an increasing electronic waste pollution problem in California, as well as across our nation. Local governments report increasing costs to handle, transport and recycle discarded electronic equipment. The amassing stockpile of obsolete and broken computer monitors and televisions grows daily. I am equally disturbed that this dangerous cargo is being sent to underdeveloped nations exposing children to hazardous waste materials. I applaud the author's effort to address these problems.

However, I am concerned that this program is not the most efficient or cost effective approach for California. This bill requires the state to hire 64 new people, at a time when the Legislature has directed the Administration to cut 7,000 positions. Moreover, I believe that building a state bureaucracy to address this problem is not the best solution for managing electronic waste. We should compel industry to solve this problem.

California has always been a global leader in the electronics industry. I challenge the industry to lead the way and devise an innovative solution for the source reduction, recycling, and safe disposal of electronic waste. Industry already has initiated several successful incentive programs that create a partnership between the consumer and the manufacturer. I believe this would be a better model for California and would foster the concept of an environmentally sustainable electronic and technology industry and provides incentives to design products that are less toxic and more recyclable. Moreover, we simply must demonstrate our leadership and compassion by making sure that California's electronic waste is not irresponsibly sent to underdeveloped nations.

The European Union is working on a program to assure that manufacturers maintain responsibility for the safe recycling of the products they produce. I am encouraged by the product stewardship approach and believe this model, tailored to fit California's recycling and disposal infrastructure is worth pursuing. California needs a comprehensive and innovative state law that partners with product manufacturers, establishes recycling targets, and provides for the safe recycling and disposal of electronic waste. Setting environmental standards and providing manufacturers flexibility to meet them is the cornerstone of California's air quality laws and has generated a new generation of car emission reduction technologies and improved air quality for the public. I am convinced we can do the same for electronic waste.

I strongly urge industry and other interested parties to rapidly devise a solution, in keeping with the goals I've articulated in this message. There is no time to waste. I believe California should have a new law next year.

I am asking my Secretary of the California Environmental Protection Agency to take a leadership role in working with the Legislature, government, industry, and stakeholders to create a successful California electronic waste program. I am directing the Department of General Services to take steps to assure that the state purchases electronic products that minimize environmental impacts and that state electronic equipment is recycled using best available practices.

Sincerely,

GRAY DAVIS

To the Members of the State Senate:

I am returning Senate Bill 1619 without my signature.

This is one of two measures sent to me this year that would create a new program within the California Integrated Waste Management Board for the recycling of cathode ray tubes (CRTs).

I am very troubled by an increasing electronic waste pollution problem in California, as well as across our nation. Local governments report increasing costs to handle, transport and recycle discarded electronic equipment. The amassing stockpile of obsolete and broken computer monitors and televisions grows daily. I am equally disturbed that this dangerous cargo is being sent to underdeveloped nations exposing children to hazardous waste materials. I applaud the author's effort to address these problems.

However, I am concerned that this program is not the most efficient or cost effective approach for California. This bill requires the state to hire 64 new people, at a time when the Legislature has directed the Administration to cut 7,000 positions. Moreover, I believe that building a state bureaucracy to address this problem is not the best solution for managing electronic waste. We should compel industry to solve this problem.

The European Union is working on a program to assure that manufacturers maintain responsibility for the safe recycling of the products they produce. I am encouraged by the product stewardship approach and believe this model, tailored to fit California's recycling and disposal infrastructure is worth pursuing. California needs a comprehensive and innovative state law that partners with product manufacturers, establishes recycling targets, and provides for the safe recycling and disposal of electronic waste. Setting environmental standards and providing manufacturers flexibility to meet them is the cornerstone of California's air quality laws and has generated a new generation of car emission reduction technologies and improved air quality for the public. I am convinced we can do the same for electronic waste.

I strongly urge industry and other interested parties to rapidly devise a solution, in keeping with the goals I've articulated in this message. There is no time to waste. I believe California should have a new law next year.

Please see the attached veto message on Senate Bill 1523, which describes in more detail my determination to sign a bill next year that achieves the goals I have articulated.

Sincerely,

GRAY DAVIS

To the Members of the California State Senate:

I am returning Senate Bill 1828 without my signature.

I fully support the goals of this legislation. Native Americans and their sacred sites deserve the greatest respect, honor and protection. On rare occasions, I have been privileged to view a sacred site. It has left me with a deep sense of reverence.

There is no doubt more must be done to protect sacred sites. Unfortunately, this bill is a flawed attempt to do that. I deeply regret that this bill is in a form that I am unable to sign. I am fully committed to working with all interested parties to craft a measure that adequately addresses the problem.

This bill was designed to protect Native American sacred sites by giving tribes a significant voice in the environmental review process for projects that might impact them. At the heart of the bill is the list of sites maintained by the Native American Heritage Commission. But that list can be both under-inclusive and over-inclusive. It is under-inclusive because some tribes, understandably fearing destruction of sites, have not disclosed their identity to the Commission. It can be over-inclusive because, under this bill, any site may be placed on the list by anyone, no matter the level of evidence that the site is sacred. Nonetheless, simply placing a site on the list gives it all the protections afforded by the bill.

There is another problem that must be addressed. This bill does not find the right balance between the need for confidentiality to protect sites, and the need for disclosure and notification to allow those planning projects to know to avoid areas containing sacred sites. As this bill is written, someone might invest large sums of money in a project before learning the development implicates a sacred site.

In addition, while this bill draws on the CEQA process, it makes some key changes that are highly controversial. It gives Native Americans influence over the CEQA process that no other party, agency or governmental body now has. If we are to develop a process beyond the standard CEQA procedures, there should be a greater effort at collaborative discussions that seek a strong consensus.

But it is not clear that we need to enlist CEQA to protect sacred sites. Existing law relating to the protection of sacred sites on public lands might serve as a framework for protecting sacred sites on private lands. We should consider expanding the duties and authority of the Native American Heritage Commission so it can use existing and expanded law to protect sacred public and sacred private lands.

The protection of sacred sites is a matter that must be addressed. Accordingly, I am directing my Secretary of Resources and my Director of the Governor's Office of Planning and Research to work with the proponents of this measure and others to introduce a bill next year that meets these concerns.

I would also note that I have signed Senate Bill 483, which protects Native American sacred sites from the adverse environmental effects of proposed mining operations. I am particularly concerned about the proposed Glamis gold mine in Imperial County, and I have directed my Secretary for Resources to pursue all possible legal and administrative remedies that will assist in stopping the development of that mine.

Sincerely,

GRAY DAVIS

To Members of the California State Senate:

I am returning Senate Bill 1970 without my signature. This bill redefines the term radioactive waste" to include any discarded decommissioned material with the slightest trace of detectable radioactivity not attributable to background sources, and prohibits all such material from being disposed of at all existing hazardous or solid waste disposal facilities in the State of California. As written, this bill is overly broad, unworkable and would do little to significantly enhance protection of the public health.

In negotiations with the author of this bill, I offered to sign legislation that permanently banned disposal of all decommissioned material with radioactive emissions above background levels at public landfills (Class III facilities) in California. I committed to conduct a scientifically based assessment of public health and environmental safety risks of other disposal methods. The author rejected this and sent me a bill that virtually bans all methods of disposal anywhere in California without a sound scientific basis for issuing such a sweeping prohibition.

There is significant disagreement among scientists and health experts as to what level of exposure to materials with trace amounts of residual radioactivity from facilities decommissioned in accordance with state and federal laws constitutes a public health risk. This bill requires that all decommissioned material be disposed of at specially licensed facilities – even material with emissions lower than what is typically found in many household items - watches, smoke detectors, and building materials such as red brick, granite and marble.

The practical effect of this bill would be to force California businesses, universities and medical facilities to ship tons of material, such as dirt and concrete, that has not been determined to present a public health risk, to out-of-state disposal facilities. The cost of shipping this material out of state would be in the hundreds of millions of dollars, placing an enormous burden on critical research and manufacturing. The bill's requirements could inhibit the development of biomedical research and impact the cost of medical procedures and cancer treatment in California.

In an effort to address the concerns expressed by the sponsors of this legislation, I am issuing an Executive Order that will do the following:

- * Impose a moratorium on the disposal of all decommissioned materials with emissions above background levels in public landfills (Class III) and unclassified waste management facilities. The State Water Resources Control Board is directed to begin implementation of the moratorium within the next 30 days.

- * Direct the Department of Health Services to develop regulations for decommissioning licensed facilities utilizing the California Environmental Quality Act (CEQA) process. The Department is directed, as part of the CEQA review process, to include an assessment of the public health and environmental risk factors regarding disposal of decommissioned material and to make recommendations at the conclusion of this review.

If further restrictions are recommended based on sound scientific evidence, I will act on those recommendations. The moratorium on disposal of decommissioned materials above background levels in public landfills will be in place until the Department completes its assessment and the regulations take effect, at which time a new Executive Order may be issued or legislation sought to act on the Department's recommendations. Without this science-based review, this legislation is premature.

I respect and appreciate the sincerity and dedication of those who sponsored SB 1970. Although this bill is not the answer, I encourage the author and the sponsors of this measure to participate in the scientific assessment and the CEQA process.

Sincerely,

GRAY DAVIS

To Members of the California State Assembly:

I am returning Senate Bill 1988 without my signature.

This bill would create an Environmental Education Fund for the purpose of providing grants to public schools for environmental education and funding to non-profit for training district attorneys and others on the enforcement of environmental laws and the advancement of environmental justice.

While I support environmental education, I cannot support this measure. The State Department of Education (SDE) already receives funding from the California Environmental License Plate Fund to promote students' understanding of and responsibility for the environment. Also, this bill creates a presumption that environmental education and environmental justice is a priority use of funds over other vital uses, such as environmental cleanups.

I believe it is imperative that any new efforts are coordinated with existing State programs to ensure cost efficiency, particularly when the state is dealing with a \$24 billion shortfall. Last year, I signed legislation that created the Office of Integrated Environmental Education at the Integrated Waste Management Board to create a unified environmental education strategy for all State Departments. I have also just signed two bills creating programs within the California Environmental Protection Agency; AB 2312 establishes an environmental justice grant program and AB 2486 funds local environmental enforcement and training. SB 1988 is not consistent with these programs.

For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

Signing Messages

To the Members of the California Assembly:

I am signing Assembly Bill 857. I commend the authors for their dedication and commitment to the important environmental and long-term planning needs for California.

This bill establishes three specific planning priorities for the state, to be used in determining which state infrastructure projects should be financed. It further requires state agencies, when requesting such financing to state how projects would conform to these priorities. Finally, this measure requires my OPR to establish a protocol for resolving conflicts between state agencies, agency functional plans, or state infrastructure projects.

To allay concerns about the bill's balanced implementation, I am directing OPR to implement the bill's three planning priorities and their effect on the infrastructure plan in a fair and equitable manner and to do so within existing resources. I ask that OPR, with the assistance of all state agencies, prepare the 2003 Environmental Goals and Policy Report and to examine conflicts, which may exist between and within state agencies and their policies and programs.

I remain committed to seeing these important responsibilities through. Further, I am appointing members to the Planning Advisory and Assistance Council to assist my Administration in the completion of these various tasks and to ensure a comprehensive product, inclusive of local government and regional perspectives.

Sincerely,

GRAY DAVIS

To the Members of the California Assembly:

I am signing Assembly Bill 2312, which establishes an Environmental Justice Small Grant Program within the California Environmental Protection Agency to provide environmental justice grants to local community groups.

This measure empowers local community groups to address public health concerns and strengthens community involvement in the environmental decision making process.

I am directing the Boards and Departments within the California Environmental Protection Agency to allocate sufficient monies from sources other than General Fund to implement this program. This would include funds continuously appropriated to those organizations, including funds established for the cleanup of waste tires, used oil, and water pollution.

Sincerely,

GRAY DAVIS

To the Members of the California State Senate:

I am signing Senate Bill 483, which protects Native American sacred sites from the adverse environmental effects of proposed mining operations. This bill would prevent mines, such as the Glamis gold mine in Imperial County, from being developed unless sacred sites are protected and restored. I strongly oppose the Glamis gold mine because it would irreparably damage sites sacred to the Quechan Indian Tribe.

Unfortunately, this bill will not become operative because it is joined to another bill, SB 1828, which I am vetoing. Therefore, I am directing the Resources Agency to seek urgency clean-up legislation when the Legislature convenes in December to allow this important Native American sacred site protection to become law.

I am further directing the Secretary for Resources to pursue all possible legal and administrative remedies that will assist in stopping the development of the Glamis gold mine.

Sincerely,

GRAY DAVIS

To the Members of the California Legislature:

I am signing Senate Bill 1374, which requires the Integrated Waste Management Board to adopt model ordinances that will help aid local governments in diverting construction and demolition materials from the waste stream.

This bill presents the next important step Californians can take in diverting recyclable products from landfills. The diversion of construction and demolition waste materials will go a long way to help local governments meet the AB 939 diversion requirements approved in 1989. Promoting the re-use of these materials will also help the state address the growing need for building and construction materials as our communities continue to expand throughout this century.

In signing SB 1374, I am directing the Integrated Waste Management Board to include the Regional Council of Rural Counties (RCRC) in its consultation on the development of model ordinances. Rural counties often have a difficult time in meeting recycling mandates due to the lack of available markets and a shortage of resources. RCRC has unique expertise and experience in dealing with solid waste issues in rural counties and should be included in this process.

Sincerely,

GRAY DAVIS

To the Members of the California Senate:

I am signing Senate Bill 1393, which makes various revisions to the California Environmental Quality Act (CEQA) and requires the Secretary of the Resources Agency to develop a protocol for reviewing the applications for certified regulatory programs to ensure consistency with CEQA.

In signing this important measure, I am directing the Resources Agency, the State Library and the Office of Planning and Research to implement this bill with existing resources.

Sincerely,

GRAY DAVIS

To members of the California State Legislature:

I am signing Senate Bill 2065 which require generators of low-level radioactive waste in California to report waste production, storage, transportation and disposal information to the State and require the State to maintain this information, making it available to Members of the Legislature upon request, and to the public only in aggregated form. This information will assist in developing long-term, low-level radioactive waste management policies.

Given the security concerns in the aftermath of September 11, 2002, SB 2065 includes key provisions to limit the release of any information that could potentially be used for unlawful purposes, including terrorism. To emphasize the need for security with these data, I am directing the Department of Health Services to develop rigorous standards further restricting access to and use of the non-aggregated information to all except those who demonstrate a need-to-know.

I am fully committed to protecting the safety and security of our residents by maintaining accurate and secure records concerning low-level radioactive waste produced in California.

Sincerely,

GRAY DAVIS